

1-1 By: Nelson S.B. No. 423
1-2 (In the Senate - Filed February 7, 2013; February 13, 2013,
1-3 read first time and referred to Committee on Health and Human
1-4 Services; March 28, 2013, reported favorably by the following
1-5 vote: Yeas 9, Nays 0; March 28, 2013, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	Nelson	X		
1-9	Deuell	X		
1-10	Huffman	X		
1-11	Nichols	X		
1-12	Schwertner	X		
1-13	Taylor	X		
1-14	Uresti	X		
1-15	West	X		
1-16	Zaffirini	X		

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to the flexible response system for investigations of
1-20 child abuse or neglect reports by the Department of Family and
1-21 Protective Services.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Section 261.3015, Family Code, is amended to
1-24 read as follows:

1-25 Sec. 261.3015. FLEXIBLE RESPONSE SYSTEM. (a) In assigning
1-26 priorities and prescribing investigative procedures based on the
1-27 severity and immediacy of the alleged harm to a child under Section
1-28 261.301(d), the department shall establish a flexible response
1-29 system to allow the department to make the most effective use of
1-30 resources to investigate and respond to reported ~~[by investigating~~
1-31 ~~serious]~~ cases of abuse and neglect.

1-32 (b) Notwithstanding Section 261.301, the department may, in
1-33 accordance with this section and department rules, conduct an
1-34 alternative response to a report of abuse or neglect if the report
1-35 does not:

- 1-36 (1) allege sexual abuse of a child;
1-37 (2) allege abuse or neglect that caused the death of a
1-38 child; or
1-39 (3) indicate a risk of serious physical injury or
1-40 immediate serious harm to a child.

1-41 (c) The department may administratively close a reported
1-42 case of abuse or neglect without completing the investigation or
1-43 alternative response and without providing services or making a
1-44 referral to another entity for assistance [and by screening out
1-45 less serious cases of abuse and neglect] if the department
1-46 determines, after contacting a professional or other credible
1-47 source, that the child's safety can be assured without further
1-48 investigation, response, services, or assistance.

1-49 (d) In determining how to classify a reported case of abuse
1-50 or neglect under the flexible response system, the child's safety
1-51 is the primary concern [The department may administratively close
1-52 the less serious cases without providing services or making a
1-53 referral to another entity for assistance.

1-54 [~~(a-1)~~] ~~For purposes of Subsection (a), a case is considered~~
1-55 ~~to be a less serious case of abuse or neglect if the circumstances~~
1-56 ~~of the case do not indicate an immediate risk of abuse or neglect~~
1-57 ~~that could result in the death of or serious harm to the child who is~~
1-58 ~~the subject of the case].~~

1-59 [~~(b)~~] ~~The classification [under the flexible response~~
1-60 ~~system]~~ of a case may be changed as warranted by the circumstances.

1-61 (e) An alternative response to a report of abuse or neglect

2-1 must include:

2-2 (1) a safety assessment of the child who is the subject
2-3 of the report;

2-4 (2) an assessment of the child's family; and

2-5 (3) in collaboration with the child's family,
2-6 identification of any necessary and appropriate service or support
2-7 to reduce the risk of future harm to the child.

2-8 (f) An alternative response to a report of abuse or neglect
2-9 may not include a formal determination of whether the alleged abuse
2-10 or neglect occurred.

2-11 (g) [~~e~~] The department may implement the alternative
2-12 [flexible] response in one or more of the department's
2-13 administrative regions before implementing the system statewide
2-14 [system by establishing a pilot program in a single department
2-15 service region]. The department shall study the results of the
2-16 system in the regions where the system has been implemented
2-17 [region] in determining the method by which to implement the system
2-18 statewide.

2-19 SECTION 2. Not later than December 1, 2013, the executive
2-20 commissioner of the Health and Human Services Commission shall
2-21 adopt the rules necessary to implement Section 261.3015, Family
2-22 Code, as amended by this Act.

2-23 SECTION 3. This Act takes effect September 1, 2013.

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